

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 24, 2003

D041105 In re Hernandez on Habeas Corpus

The petition is denied.

D039023 Burtech Pipeline, Inc. v. Dudek & Associates, Inc., et al.

The judgment is affirmed. Respondents are awarded their attorney fees and costs on appeal. The matter is remanded to the superior court to determine the amount of those attorney fees and costs. Kremer, P.J.; We Concur: Nares, J., Haller, J.

D040275 Redmayne-Titley v. Hinkley/Mahaffey

Appellants' have failed to file their brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

D041366 In re Seng on Habeas Corpus

The petition is denied.

D040965 People v. Sena

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 37(b). The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 25, 2003

D037969 People v. Sherman

The abstract of judgment is ordered modified as follows: all references to counts 1, 9, 10, 12, 13, 18 and 19 are to be stricken from the list of convictions in box one of the abstract of judgment, and a note shall be appended to the abstract stating that, under the mandate of *People v. Craig* (1941) 17 Cal.2d 453, count 1 was stricken as consolidated with counts 2, counts 9 and 10 were stricken as consolidated with count 8, counts 11 and 12 were stricken as consolidated with count 13, and counts 18 and 19 were stricken as consolidated with count 17. Defendant's conviction on count 7 is reversed because not supported by sufficient evidence. Defendant's conviction on count 15 is reversed because it is a lesser included offense of another count. Defendant's convictions on counts 4, 5 and 6 are reversed with directions that if the People do not bring defendant to trial within 60 days after the filing of the remittitur in the trial court, the trial court shall proceed as if the remittitur constituted a modification of the judgment to be convictions on counts 4, 5 and 6 of section 243.4, subdivision (d), a misdemeanor. The sentence imposed for defendant's conviction on count 16 is stricken. In all other respects the judgment is affirmed. The matter is remanded to the trial court for further proceedings as set forth in this opinion, including resentencing. McDonald, J.; We Concur: Kremer, P.J., Benke, J.

D040682 In re W. L. et al., Juveniles

The orders terminating parental rights and selecting adoption as the children's permanent plan are affirmed. Haller, J.; We Concur: Nares, Acting P.J., McConnell, J.

D039201 Howard v. John Hancock Mutual Life Insurance Co.

The judgment is affirmed. McConnell, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D039333 In re the Marriage of Marvin and Denise Blanton

The orders are affirmed. Wife shall recover costs on appeal. McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D039153 Amerifloor Technical, Inc. v. The Travelers Indemnity Company of Illinois

The judgment is affirmed. Respondents shall recover costs on appeal. McDonald, J.; We Concur: Nares, Acting P.J., McConnell, J.

D035970 People v. Reveley

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 37(b). The appeal is dismissed.

D038698 Alotta et al. v. County of San Diego

The judgment is affirmed. Nares, Acting P.J.; We Concur: McDonald, J., McConnell, J.

D039148 People v. McLaughlin

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McDonald, J., Aaron, J.

D040807 In re Michael M. et al., Juveniles

The orders are affirmed. McIntyre, J.; We Concur: Kremer, P.J., Huffman, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 25, 2003 (Continued)

D040424 In re Miguel G. et al., Juveniles

The orders are affirmed. Huffman, J.; We Concur: Kremer, P.J., Haller, J.

D041660 In re Cache L., a Juvenile

The denial of a challenge to a referee is not appealable but must be reviewed by petition for writ. (Code of Civil Procedure, sections 170.3 (d), 170.5 (a).) The appeal is dismissed.

**D041655 Bornhoeft Trust Dated 9/10/87 et al. v. Superior Court of San Diego County/Econo
Lube N'Tune, Inc., et al.**

The petition is denied.

D041475 People v. Superior Court of Imperial County/Mitchell et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 26, 2003

D039025 Chronowski v. Topolnicki

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., O'Rourke, J.

D039810 People v. Coulombe

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D039849 Encinitas Country Day School, Inc., et al. v. City of Encinitas

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., O'Rourke, J.

D041654 Barker v. Superior Court of San Diego County/People

The petition is denied.

D038148 Estate of Caccia

The portion of the judgment directing Lawrence to pay the estate the amount of \$150,000 is modified to provide that the interest rate is 7 percent from March 25, 1998, until July 28, 1999. As modified, the judgment is affirmed. The parties shall bear their own costs on appeal. Kremer, P.J.; We Concur: Benke, J., Haller, J.

D039406 In re the Marriage of Julie L. and Marc S. Kelly

The order is affirmed. Kremer, P.J.; We Concur: Huffman, J., Nares, J.

D039249 People v. Fame

The judgment is affirmed. McConnell, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D039729 People v. Fuentes

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D041214 Michael O. v. San Diego County Superior Court/San Diego County Health and Human Services Agency

The petition is denied. Haller, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D038444 People v. Daniels

The sentence imposed in this case is modified to award Daniels 250 days of conduct credits in addition to the 501 days of custody credits awarded at sentencing. The trial court is directed to amend the abstract of judgment to reflect the additional credits and forward an amended abstract to the Department of Corrections. In all other respects the judgment is affirmed. Huffman, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

D039759 Furgatch v. San Diego Unified Port District et al.

The judgment is affirmed. The Port District is entitled to its costs on appeal. McIntyre, J.; We Concur: Nares, Acting P.J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 26, 2003 (Continued)

D039814 Nobel Farms, Inc., et al. v. Pasero et al.

The order quashing service of summons is reversed as to Pasero and Plaintiffs are to recover their costs on appeal as to Pasero. The order is affirmed as to the Galaz firm and the Galaz firm is to recover its costs on appeal as to plaintiffs. CERTIFIED FOR PUBLICATION. McIntyre, J.;
We Concur: Huffman, Acting P.J., McDonald, J.

D039462 Trigueros et al. v. La Jolla Dinner Dance Committee et al.

The judgment is affirmed. The defendants are entitled to their costs on appeal. McIntyre, J.;
We Concur: Nares, Acting P.J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 27, 2003

D040565 In re Samantha J., a Juvenile

The juvenile court's order is affirmed. O'Rourke, J.; We Concur: Kermer, P.J., Huffman, J.

D039399 Gates v. Discovery Communications, Inc., et al.

The order denying the motion to dismiss the privacy caused of action is reversed. CERTIFIED FOR PUBLICATION. Benke, J., Kremer, P.J., McIntyre, J.

D039513 Garcia et al. v. West

The judgment is reversed. Benke, J.; We Concur: Kremer, P.J., Haller, J.

D039035 People v. Preciado

Judgment affirmed. Benke, J.; We Concur: Kremer, P.J., Haller, J.

D040524 In re Berenice C. et al., Juveniles

The judgments are affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D039317 Quini v. Paradise Valley Hospital

The judgment is affirmed. Each party to bear its own costs. Huffman, Acting P.J.; We Concur: McDonald, J., Aaron, J.

D039847 People v. Turner

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D035096 People v. Creasy

D038235 In re Creasy on Habeas Corpus

(consolidated) The judgment is affirmed; The petition for writ of habeas corpus is denied. Benke, J.; We Concur: Kremer, P.J., Huffman, J.

D040136 In re Andrew D., a Juvenile

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D039541 People v. Zambrano

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., McDonald, J.

D041429 In re Kurbegovich on Habeas Corpus

The petition is denied.

D041694 Will et al. v. Superior Court of San Diego County/Wigington

The petition is denied.

D041252 Ward v. Superior Court of San Diego County/Ward et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 27, 2003 (Continued)

D039987 Henkel v. LeBeau

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D040897 LeBeau et al. v. Finkelstein et al.

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D041084 In re Thunderhawk C. a Juvenile

Upon filing an abandonment of appeal, personally signed by defendant, the appeal as to Nano C. is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 38).

D038034 Goyet et al. v. Dean et al.

Upon written stipulation filed by the parties to the appeal, the appeal as to Cindy Brand is dismissed and the remittitur is ordered to issues immediately (Cal. Rules of Court, rule 20(c)(2)).